

**IN THE DRAWINGS**

Three (3) sheets of formal replacement drawings are enclosed herewith. Approval of the replacement drawings is respectfully requested.

**REMARKS**

Claims 1-17 and 19 are pending in the application. Claim 10 has been amended to correct a punctuation error, and claim 18 has been canceled. The Examiner's consideration and allowance of the pending claims is respectfully requested.

**Rejections Under 35 U.S.C. § 103**

On page 4 of the Office Action, the Examiner rejected claims 1, 5-6, 8-10, 12-13, 16-17, and 19 under 35 U.S.C. § 103(a) as being unpatentable over Held (CH 673517 A5) in view of Blau et al. (US 3,030,944). The Examiner contended that Held discloses the claimed invention except for a motor with a shaft that extends through the front side of the casing. The Examiner contended that this is shown by Blau, and it would be obvious to a person skilled in the art to combine Held and Blau to achieve the claimed invention. The Applicant respectfully disagrees.

First, the Applicant contends that Blau is not a proper reference because it is non-analogous art. Regarding analogous and non-analogous art, MPEP 2141.01(a) states:

The examiner must determine what is "analogous prior art" for the purpose of analyzing the obviousness of the subject matter at issue. "In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). See also *In re Deminski*, 796 F.2d 436, 230 USPQ 313 (Fed. Cir. 1986); *In re Clay*, 966 F.2d 656, 659, 23 USPQ2d 1058, 1060-61 (Fed. Cir. 1992) ("A reference is reasonably pertinent if, even though it may be in a different field from that of the inventor's endeavor, it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his problem.").

The claimed invention pertains to the field of lighting. Blau discloses a device for diagnosing organic brain damage through means of a spiral after-effect, and does not include any kind of light. The Applicant contends that Blau is not in the field of applicant's endeavor, and is not reasonably pertinent to the particular problem with which the inventor was concerned. The subject matter of

Blau is not one that logically would have commended itself to an inventor's attention in considering a problem in the field of lighting. Therefore, Blau is non-analogous art, and is not a proper reference.

The Applicant further contends that Held does not disclose the limitations of independent claims 1, 10, and 13 as alleged by the Examiner. The Examiner states that Held's design disk is opaque and transparent in different portions of the disk, and therefore the disk is only partially illuminated in the transparent areas. However, the Examiner has ignored a great many structural limitations recited in the Applicant's independent claims. For example, Held does not disclose: (1) illumination through an aperture in the front side of the casing; (2) a disk that mounts on a motor shaft that extends through the front side of the casing proximate to the illuminated aperture; and (3) a design disk having a radius that causes a portion of the disk to cover the lighted aperture in the front side of the casing when the disk is mounted on the shaft.

All of these limitations are recited in independent claims 1, 10, and 13. Therefore, the allowance of claims 1, 10, and 13 is respectfully requested.

Dependent claims 5, 6, 8, and 9 depend from claim 1 and recite additional limitations in combination with the novel and unobvious elements of claim 1. Likewise, claim 12 depends from claim 10 and recites additional limitations in combination with the novel and unobvious elements of claim 10. Similarly, claims 16, 17, and 19 depend from claim 13 and recite additional limitations in combination with the novel and unobvious elements of claim 13. Therefore, the allowance of dependent claims 5, 6, 8, 9, 12, 16, 17, and 19 is respectfully requested.

On page 5 of the Office Action, the Examiner rejected claims 2-4 under 35 U.S.C. § 103(a) as being unpatentable over Held in view of Blau and further in view of Bitting (US 4,491,772). As discussed above, Held does not disclose or suggest many of the limitations recited in the independent claims, and Blau is non-analogous art. Bitting does not overcome these shortcomings, and thus a *prima facie* case of obviousness has not been established. Claims 2-4 depend from claim 1 and recite additional limitations in combination with the novel and unobvious elements of claim 1. Therefore, the allowance of claims 2-4 is respectfully requested.

**PATENT APPLICATION**  
**DOCKET NO. 0001-0005**

On page 6 of the Office Action, the Examiner rejected claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Held in view of Blau and further in view of Allen (US 3,080,474). As discussed above, Held does not disclose or suggest many of the limitations recited in the independent claims, and Blau is non-analogous art. Allen does not overcome these shortcomings, and thus a *prima facie* case of obviousness has not been established. Claim 11 depends from claim 10 and recites additional limitations in combination with the novel and unobvious elements of claim 10. Therefore, the allowance of claim 11 is respectfully requested.

On page 7 of the Office Action, the Examiner rejected claims 14-15 and 18 under 35 U.S.C. § 103(a) as being unpatentable over Held in view of Blau and further in view of Wang (US 6,513,951). Claim 18 has been canceled. As discussed above, Held does not disclose or suggest many of the limitations recited in the independent claims, and Blau is non-analogous art. Wang does not overcome these shortcomings, and thus a *prima facie* case of obviousness has not been established. Claims 14 and 15 depend from claim 13 and recite additional limitations in combination with the novel and unobvious elements of claim 13. Therefore, the allowance of claims 14 and 15 is respectfully requested.

On page 8 of the Office Action, the Examiner stated that the prior art made of record and not relied upon is considered pertinent to the Applicant's disclosure. Koehler and Mincy disclose lighted display devices with a rotating disk, but fail to teach or suggest the structural limitations recited in the Applicant's independent claims.

For all the above reasons, the allowance of claims 1-17 and 19 is respectfully requested.

Respectfully submitted,



Steven W. Smith

Registration No. 36,684

Dated: November 22, 2005

7237 Birchwood Drive  
Dallas, Texas 75240  
(972) 583-1572